

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 90, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 criminal law and procedure.
- 4 Delete everything after the enacting clause and insert the
- 5 following:
- 6 SECTION 1. IC 5-2-21 IS ADDED TO THE INDIANA CODE AS A
- 7 NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 8 2015]:
- 9 **Chapter 21. Address Confidentiality Program**
- 10 **Sec. 1. The following definitions apply throughout this**
- 11 **chapter:**
- 12 (1) "Law enforcement official" means:
- 13 (A) a police officer (including a correctional police
- 14 officer), sheriff, constable, marshal, prosecuting
- 15 attorney, special prosecuting attorney, special deputy
- 16 prosecuting attorney, the securities commissioner, or the
- 17 inspector general;
- 18 (B) a deputy of any of those persons;
- 19 (C) an investigator for a prosecuting attorney or for the
- 20 inspector general;
- 21 (D) a conservation officer;
- 22 (E) an enforcement officer of the alcohol and tobacco
- 23 commission;
- 24 (F) an enforcement officer of the securities division of
- 25 the office of the secretary of state;
- 26 (G) a gaming agent employed under IC 4-33-4.5 or a

gaming control officer employed by the gaming control division under IC 4-33-20;

(H) a federal enforcement officer;

(I) a school resource officer (as defined in IC 20-26-18.2-1) and a school corporation police officer appointed under IC 20-26-16; and

(J) a judicial officer, including a judge, magistrate, judicial referee, master commissioner, and probate commissioner.

(2) "Law enforcement official's home address" or "home address" means the:

(A) residential address and telephone number of a law enforcement official;

(B) residential address and telephone number of a household member of the law enforcement official who resides with the law enforcement official; and

(C) residential address and telephone number of a child or stepchild of the law enforcement official who:

(i) is attending; or

(ii) has attended within the previous year;

an approved postsecondary educational institution (as defined in IC 21-7-13-6(a)).

(3) "Person" has the meaning set forth in IC 34-6-2-103(b).

(4) "Public agency" has the meaning set forth in IC 5-14-3-2.

(5) "Third party confidentiality provider" means a third party that applies for address confidentiality on behalf of a law enforcement official under the terms of an agreement with the law enforcement official or the agency employing the law enforcement official.

Sec. 2. (a) A law enforcement official may require a public agency to keep the official's home address confidential by submitting an application for address confidentiality to the agency:

(1) directly; or

(2) through a third party confidentiality provider, as described in section 8 of this chapter.

(b) A law enforcement official who submits an application for address confidentiality on the official's own behalf shall complete the application under penalties for perjury.

(c) A third party confidentiality provider shall verify a person's status as a law enforcement official in accordance with section 8 of this chapter before submitting an application for address confidentiality on behalf of that person.

Sec. 3. (a) Except as provided in subsection (b), notwithstanding any other statute or rule, not later than ten (10) days after receipt of an application for address confidentiality, a public agency may not disclose a law enforcement official's home address.

(b) A public agency may disclose a law enforcement official's home address under the following circumstances:

(1) A public agency shall disclose a law enforcement official's

home address to a specific person if directed to do so by a court order.

(2) A public agency shall disclose a law enforcement official's home address to a law enforcement agency if requested to do so by the law enforcement agency.

(3) A public agency shall disclose a law enforcement official's home address to a financial institution or title company if requested to do so by a title company or financial institution for a bona fide business purpose.

(4) If a law enforcement official provides the public agency with a written request to disclose the law enforcement official's home address, a public agency shall disclose the law enforcement official's home address in accordance with the terms of the written request.

(c) If necessary to comply with this chapter, a public agency shall redact records containing a law enforcement official's home address.

Sec. 4. (a) At the time a law enforcement official submits an application for address confidentiality, or at any time thereafter, the law enforcement official may request that the public agency substitute the business address of the agency employing the official for the home address of the law enforcement official.

(b) Notwithstanding any other statute or rule, not later than ten (10) days after receipt of a request for address substitution, a public agency shall use the business address of the agency employing the law enforcement official instead of the official's home address on any:

- (1) application;
- (2) identification card;
- (3) license;
- (4) certificate;
- (5) permit;
- (6) tag; or
- (7) similar document;

issued by the public agency to the law enforcement official or a household member of the law enforcement official who resides with the law enforcement official.

Sec. 5. (a) Except as provided in section 6 of this chapter, a public agency that has received an application for address confidentiality shall provide address confidentiality for a period of four (4) years.

(b) A law enforcement official may submit a new application for address confidentiality not earlier than six (6) months before the expiration of the current four (4) year period.

(c) Upon receipt of a new application, the public agency shall extend the address confidentiality period for an additional four (4) years.

Sec. 6. (a) A person is no longer eligible for address confidentiality under this chapter if the person:

- (1) is no longer a law enforcement official;

(2) is no longer a household member of a law enforcement official who resides with the law enforcement official; or
 (3) for a child or stepchild of the law enforcement official, if the child or stepchild:

(A) is no longer a household member of a law enforcement official who resides with the law enforcement official; and

(B) has not attended an approved postsecondary educational institution (as defined in IC 21-7-13-6(a)) within the previous year.

(b) Not later than thirty (30) days after an event described in subsection (a) occurs, the:

(1) law enforcement official or former law enforcement official, if the person applied for address confidentiality on the person's own behalf; or

(2) third party confidentiality provider;

shall notify in writing every public agency providing address confidentiality that the person is no longer eligible for address confidentiality.

(c) If a law enforcement official changes employment but remains a law enforcement official, the:

(1) official, if the official applied for confidentiality on the official's own behalf; or

(2) third party confidentiality provider;

shall, not later than thirty (30) days after the official changes employment, submit a new application to every public agency providing address confidentiality.

Sec. 7. (a) This chapter does not prevent a public agency from obtaining the home address of a law enforcement official.

(b) A law enforcement official who has submitted an application for address confidentiality shall provide the official's current home address to the agency employing the law enforcement official.

Sec. 8. (a) A law enforcement official or an agency employing a law enforcement official may contract with a third party confidentiality provider to apply for address confidentiality on behalf of:

(1) the law enforcement official, if the official contracts as an individual with the third party confidentiality provider; or

(2) one (1) or more law enforcement officials employed by an agency, if the agency contracts with the third party confidentiality provider.

(b) If a third party confidentiality provider contracts with an individual law enforcement official, the provider shall verify that the individual is a law enforcement official before submitting an application on the individual's behalf. If a third party confidentiality provider contracts with an agency, no additional verification of the information by the agency is necessary.

(c) The agreement between the third party confidentiality provider and an individual or agency shall require the individual

- 1 or agency to timely notify the provider if:
2 (1) the individual becomes ineligible to participate in an
3 address confidentiality program; or
4 (2) the individual changes employment but remains a law
5 enforcement official.
6 Sec. 9. (a) A public agency may not charge a fee for
7 participation in the address confidentiality program.
8 (b) A public agency may adopt rules under IC 4-22-2 to
9 implement this chapter.
(Reference is to SB 90 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

LONG, Chairperson